

THE PRELIMINARY TEST OF THE PROPOSED RULE IS:

MINIMUM FLOWS AND LEVELS

Part I: General

40E-8.021 Definitions

Part III: MFL Criteria for Lower West Coast Regional Planning Area and MFL Criteria for Upper East Coast Regional Planning Area

40E-8.421 Minimum Flows and Levels: Surface Waters

Part IV: Implementation

40E-8.421 Prevention and Recovery Strategies

40E-8.021 Definitions.

The terms set forth herein shall have the meanings ascribed to them, unless the context clearly indicates otherwise, and such meanings shall apply throughout the rules contained in this Chapter. The terms defined in Rule 40E-8.021, F.A.C., shall apply throughout the District's consumptive use permit rules. In the event of a conflict or difference between the definitions contained in Rule 40E-8.021, F.A.C., and the definitions set forth in other District rules, the definitions in this Rule 40E-8.021, F.A.C., shall control for purposes of this chapter.

(1) through (22) No Change.

(23) St. Lucie River North Fork – means the surface waters that extend from the Gordy Road Bridge structure (state plane coordinates, x851212.831, y1116105.7470), combined with tributary contributions below Gordy Road and collectively flow south to the confluence with the C-24 canal (state plane coordinates, x873,712.20, y1064,390.41).

(24) St. Lucie River South Fork - means the surface waters that extend from the culverts located at state plane coordinates x 902,512.67, y1,001,799.91, north to the confluence of the river and the St. Lucie Canal (C-44).

(25) St. Lucie Estuary - means the surface water body south of the confluence of the St. Lucie River North Fork and C-24, north of the confluence of the St. Lucie River South Fork and C-44, and west of the western boundary of the Intracoastal Waterway, exclusive of canals.

(26)(23)Serious Harm – means the long-term loss of water resource functions, as addressed in Chapters 40E-21 and 40E-22, F.A.C., resulting from a change in surface or ground water hydrology.

(27)(24)Significant Harm – means the temporary loss of water resource functions, which result from a change in surface or ground water hydrology, that takes more than two years to recover, but which is considered less severe than serious harm. The specific water resource functions addressed by a MFL and the duration of the recovery period associated with significant harm are defined for each priority water body based on the MFL technical support document.

Specific Authority 373.044, 373.113, 373.171 FS.

Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421 FS.

History – New 9-10-01, amended.

**PART III: MFL CRITERIA FOR LOWER WEST COAST REGIONAL
PLANNING AREA AND MFL CRITERIA FOR LOWER EAST COAST
REGIONAL PLANNING AREA**

40E-8.341 Minimum Flows and Levels Surface Waters for Upper East Coast Planning Area.

St. Lucie Estuary - mean monthly flows to the St. Lucie Estuary should not fall below 28cfs from the Gordy Road structure to the St. Lucie River North Fork for two consecutive months during a 365-day period, for two consecutive years.

Specific Authority 373.044, 373.113, 373.171 FS.

Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421 FS.

History – New _____.

PART IV: IMPLEMENTATION

40E-8.421 Prevention and Recovery Strategies.

(1) through (5) No Change.

(6) St. Lucie River and Estuary. The following is the prevention strategy for the St. Lucie River and Estuary:

(a) Discharges from the North Fork will be managed within the operational protocols of the Ten Mile Creek Project scheduled to be completed by 2004. Flow targets will be consistent with the CERP performance requirements for Indian River Lagoon.

(b) A research and monitoring strategy for the North and South Forks of the St. Lucie River will be developed and implemented in coordination with the Upper East Coast Regional Water Supply Plan update.

Specific Authority 373.044, 373.113, 373.171 FS.

Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421 FS.

History - New 9-10-01, amended.

NAME OF PERSON ORIGINATING THE PROPOSED RULE: Matthew Morrison,
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NAME OF PERSON OR SUPERVISOR WHO APPROVED PROPOSED RULE:
Governing Board of the South Florida Water Management District

DATE PROPOSED RULE APPROVED: July 11, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:
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